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Revised August 2006

VIRGINIA PUBLIC WEIGHMASTER LAW and APPLICATION

Virginia Public Weighmaster license period is from January 1st through December 31st of each year. Renewal applications are automatically generated and mailed to the company by the Office of Product and Industry Standards to current Weighmasters prior to December 15th of each year. The license renewal fee is \$10.00 for each Weighmaster.

Please read completely and follow the instructions on each page of the application making certain each document is correctly completed. Be sure all signatures are obtained to include applicant, witness and owner/manager of business. On the Employment Eligibility form, be sure that the correct documents have been listed (one from List A **OR** one from B **AND** one from C. Be sure to include document numbers and expiration dates (if applicable), i.e.; driver's license number and expiration date. Include a copy of the driver's license of the applicant. Be sure the Criminal History Record Request is signed by the applicant and notarized.

Submit the completed packet along with the \$25.00 fee made payable to Treasurer of Virginia to:

Virginia Department of Agriculture and Consumer Services Office of Product and Industry Standards PO Box 526 Richmond, VA 23218-0526

NOTE: Please be aware that the Virginia Public Weighmaster Law requires your weighmasters to each have an individual embossed seal for use when weighing and signing weight tickets or certificates. The seal must contain the weighmaster's name and "Public Weighmaster" in the outer circle, with the wording "State of Virginia" in the inner circle. The weighmaster may also add his/her license number to the inner circle if desired. The following is an excerpt from the Virginia Public Weighmaster Law:

§3.1 – 978. Oath and seal of licensed public weighmaster:

Each licensed public weighmaster shall, at his own expense, provide himself with an impression seal. His name and the words "Commonwealth of Virginia" shall appear in the center thereof. The seal shall be impressed upon each weight certificate issued by a licensed public weighmaster.

Please contact our office if an example of the impression seal is needed. The Public Weighmaster seal is your responsibility and can be purchased at most office supply stores.

Code of Virginia

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

TITLE 3.1, Chapter 36

PUBLIC WEIGHMASTER LAW

§ 3.1-970. Definitions.

When used in this chapter, unless the context requires otherwise:

- (a) The words "licensed public weighmaster" shall mean and refer to a natural person licensed under the provisions of this chapter.
- (b) The word "vehicle" shall mean any device in, upon, or by which any property, produce, commodity, or article is or may be transported or drawn.
- (c) The word "Commissioner" shall mean and refer to the State Commissioner of Agriculture and Consumer Services.

(Code 1950, § 3-709.1; 1962, c. 126; 1966, c. 702.)

§ 3.1-971. Commissioner to enforce chapter; rules and regulations.

The Commissioner is authorized to enforce the provisions of this chapter and to promulgate, in the manner provided by law, such rules and regulations as are deemed necessary to carry out the provisions of this chapter.

(Code 1950, § 3-709.2; 1962, c. 126; 1966, c. 702.)

§ 3.1-972. Qualifications of licensed public weighmasters.

A citizen of the United States or a person who has been lawfully admitted for permanent residence, and is not less than eighteen years of age, of good moral character, and who has the ability to weigh accurately and to make correct weight certificates, and who has received from the Commissioner a license as a licensed public weighmaster shall be styled and authorized to act as a licensed public weighmaster.

(Code 1950, § 3-709.3; 1962, c. 126; 1966, c. 702; 1972, c. 824; 1985, c. 24.)

§ 3.1-973. Application for license.

Application for a license as a licensed public weighmaster shall be made upon a form provided by the Commissioner and the application shall furnish evidence that the applicant has the qualifications required by § 3.1-972 of this chapter.

(Code 1950, § 3-709.4; 1962, c. 126; 1966, c. 702.)

§ 3.1-974. Determining qualifications of applicant; granting of license; record of applications and licenses.

The Commissioner may adopt rules for determining the qualifications of the applicant for a license as a licensed public weighmaster. He may pass upon the qualifications of the applicant upon the basis of the information supplied in the application, or he may examine such applicant orally or in writing or both for the purpose of determining his qualifications. He shall grant licenses as licensed public weighmasters to such applicants as may be found to possess the qualifications required by § 3.1-972 of this chapter. The Commissioner shall keep a record of all such applications and of all licenses issued thereon.

(Code 1950, § 3-709.5; 1962, c. 126; 1966, c. 702.)

§ 3.1-975. Licenses and renewal fees.

Before the issuance of any license as a licensed public weighmaster, or any renewal thereof, the applicant shall pay to the Commissioner a fee of ten dollars. Such fees shall be deposited with the State Treasurer to be credited to a fund to be used by the Commissioner for the administration of this chapter.

(Code 1950, § 3-709.6; 1962, c. 126; 1966, c. 702.)

§ 3.1-976. Issuance of limited licenses to certain public officers and employees.

The Commissioner may, upon request and without charge, issue a limited license as a licensed public weighmaster to any qualified officer or employee of a city or county of this Commonwealth or of a state commission, board, institution, or agency, authorizing such officer or employee to act as a licensed public weighmaster only within the scope of his official employment in the case of an officer or employee of a city or county or only for and on behalf of the state commission, board, institution, or agency in the case of an officer or employee thereof.

(Code 1950, § 3-709.7; 1962, c. 126; 1966, c. 702.)

§ 3.1-977. Expiration of licenses; applications for renewal.

Each license as licensed public weighmaster shall be issued to expire on December 31 of the calendar year for which it is issued: Provided, that any such license shall be valid through January 31 of the next ensuing calendar year or until issuance of the renewal license, whichever event first occurs, if the holder thereof shall have filed a renewal application with the Commissioner on or before December 15 of the year for which the current license was issued; and provided further, that any license issued on or after June 29, 1962, and on or before December 31, 1962, shall be issued to expire on December 31 of the next ensuing calendar year. Renewal applications shall be in such form as the Commissioner shall prescribe.

(Code 1950, § 3-709.8; 1962, c. 126; 1966, c. 702.)

§ 3.1-978. Oath and seal of licensed public weighmaster; Commonwealth not obligated to pay compensation.

Each licensed public weighmaster shall, before entering upon his duties, make oath to execute faithfully his duties. The issuance of a license as licensed public weighmaster shall not obligate the

Commonwealth to pay to the licensee any compensation for his services as a licensed public weighmaster. Each licensed public weighmaster shall, at his own expense, provide himself with an impression seal. His name and the words "Commonwealth of Virginia" shall be inscribed around the outer margin of the seal and the words "licensed public weighmaster" shall appear in the center thereof. The seal shall be impressed upon each weight certificate issued by a licensed public weighmaster.

(Code 1950, § 3-709.9; 1962, c. 126; 1966, c. 702.)

§ 3.1-979. Form of weight certificate and information to be stated thereon; weight certificate as evidence.

The Commissioner shall prescribe the form of weight certificate to be used by a licensed public weighmaster. The weight certificate shall state the date of issuance, the kind of property, produce, commodity, or article weighed, the name of the declared owner or agent of the owner or of the consignee of the material weighed, the accurate weight of the material weighed, the means by which the material was being transported at the time it was weighed, and such other available information as may be necessary to distinguish or identify the property, produce, commodity, or article from others of like kind. Such weight certificate when so made and properly signed and sealed shall be prima facie evidence of the accuracy of the weights shown.

(Code 1950, § 3-709.10; 1962, c. 126; 1966, c. 702.)

§ 3.1-980. Entries on weight certificate.

A licensed public weighmaster shall not enter on a weight certificate issued by him any weight values but such as he has personally determined, and he shall make no entries on a weight certificate issued by some other person. A weight certificate shall be so prepared as to show clearly what weight or weights were actually determined. If the certificate form provides for the entry of gross, tare, and net weights, in any case in which only the gross, the tare, or the net weight is determined by the weighmaster he shall strike through or otherwise cancel the printed entries for the weights not determined or computed. If gross and tare weights are shown on a weight certificate and both of these were not determined on the same scale and on the day for which the certificate is dated, the weighmaster shall identify on the certificate the scale used for determining each such weight and the date of each such determination.

(Code 1950, § 3-709.11; 1962, c. 126; 1966, c. 702.)

§ 3.1-981. Only suitable, tested and approved weighing devices to be used.

When making a weight determination as provided for by this chapter a licensed public weighmaster shall use a weighing device which is of a type suitable for the weighing of the amount and kind of material to be weighed, and which has been tested and approved for use by a weights and measures officer of this Commonwealth within a period of twelve months immediately preceding the date of the weighing.

(Code 1950, § 3-709.12; 1962, c. 126; 1966, c. 702.)

§ 3.1-982. Capacity of scales not to be exceeded; determining gross or tare weight of vehicle or combination of vehicles.

A licensed public weighmaster shall not use any scale to weigh a load the value of which exceeds the nominal or rated capacity of the scale. When the gross or tare weight of any vehicle or combination of vehicles is to be determined, the weighing shall be performed upon a scale having a platform of sufficient size to accommodate such vehicle or combination of vehicles fully, completely, and as one entire unit. If a combination of vehicles must be broken up into separate units in order to be weighed as prescribed herein, each such separate unit shall be entirely disconnected before weighing and a separate weight certificate shall be issued for each such separate unit.

(Code 1950, § 3-709.13; 1962, c. 126; 1966, c. 702.)

§ 3.1-983. Copies of weight certificates to be retained and kept open for inspection.

A licensed public weighmaster shall keep and preserve for at least one year, or for such longer period as may be specified in the regulations authorized to be issued for the enforcement of this chapter, a legible carbon copy of each weight certificate issued by him, which copies shall be open at all reasonable times for inspection by any weights and measures officer of this Commonwealth.

(Code 1950, § 3-709.14; 1962, c. 126; 1966, c. 702.)

§ 3.1-984. Weight certificates issued by weighmasters in other states.

Whenever in any other state which licenses public weighmasters, there is statutory authority for the recognition and acceptance of the weight certificates issued by licensed weighmasters of this Commonwealth, the Commissioner of this Commonwealth is authorized to recognize and accept the weight certificates of such other state.

(Code 1950, § 3-709.15; 1962, c. 126; 1966, c. 702.)

§ 3.1-985. Certain persons permitted but not required to obtain licenses.

The following persons shall not be required but shall be permitted to obtain licenses as licensed public weighmasters: (1) a weights and measures officer when acting within the scope of his official duties; (2) a person weighing property, produce, commodities, or articles which he or his employers, if any, is either buying or selling, and (3) a person weighing property, produce, commodities, or articles in conformity with the requirements of federal statutes or the statutes of his state relative to warehousemen or processors.

(Code 1950, § 3-709.16; 1962, c. 126; 1966, c. 702.)

§ 3.1-986. Certain acts forbidden to persons not licensed as public weighmasters.

No person shall assume the title "licensed public weighmaster," or any title of similar import, perform the duties or acts to be performed by a licensed public weighmaster under this chapter, hold himself out as a licensed public weighmaster, issue any weight certificate, ticket, memorandum, or statement for which a fee is charged or engage in the full-time or part-time business of public weighing, unless he holds a valid license as a licensed public weighmaster. "Public weighing," as used in this section, shall mean the weighing for any person, upon request, of property, produce, commodities, or articles other than those which the weigher or his employer, or any, is either buying or selling.

§ 3.1-987. Suspension or revocation of license.

The Commissioner is authorized to suspend or revoke the license of any licensed public weighmaster (1) when he is satisfied, after a hearing upon ten days' notice to the licensee, that the said licensee has violated any provision of this chapter or of any valid regulation of the Commissioner affecting licensed public weighmasters, or (2) when a licensed public weighmaster has been convicted in any court of competent jurisdiction of violating any provision of this chapter or of any regulation issued under authority of this chapter.

(Code 1950, § 3-709.18; 1962, c. 126; 1966, c. 702.)

§ 3.1-988. Requesting false weighing or false weight certificate; issuance of weight certificate by unlicensed person.

Any person who requests a licensed public weighmaster to weigh any property, produce, commodity, or article falsely or incorrectly, or who requests a false or incorrect weight certificate, or any person who issues a weight certificate simulating the weight certificate prescribed in this chapter and who is not a licensed public weighmaster, shall be guilty of a misdemeanor and upon conviction for the first offense shall be punished by a fine in any sum not less than \$50 nor more than \$100; and upon a second or subsequent conviction such person shall be punished by a fine in any sum not less than \$100 or more than \$500 or by imprisonment for not less than thirty days or more than ninety days or by both such fine and imprisonment.

(Code 1950, § 3-709.19; 1962, c. 126; 1966, c. 702.)

§ 3.1-989. Falsification or presealing of weight certificate by licensed weighmaster; delegation of authority to unlicensed person.

Any licensed public weighmaster who falsifies a weight certificate, or who delegates his authority to any person not licensed as a licensed public weighmaster, or who preseals a weight certificate with his official seal before performing the act of weighing, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine in any sum not less than \$50 or more than \$500 or by imprisonment for not less than thirty days or more than ninety days or by both such fine and imprisonment.

(Code 1950, § 3-709.20; 1962, c. 126; 1966, c. 702.)

§ 3.1-990. Penalty for violation of chapter.

Any person who violates any provision of this chapter or any rule or regulation promulgated pursuant thereto for which no specific penalty has been provided shall be guilty of a misdemeanor and upon conviction shall be punished by a fine in any amount not less than \$50 or more than \$100.

(Code 1950, § 3-709.21; 1962, c. 126; 1966, c. 702.)

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Revised August 2006

PUBLIC WEIGHMASTER APPLICATION

Applicant's Name	:					
Applicant's Addre	ss:					
Employer:		Business Phone:				
Business Address	s:(Street/PO Box)	(City)	(State)	(Zip)		
	e Business Located:	· • • • • • • • • • • • • • • • • • • •	(Glale)	(Διρ)		
How long have yo	ou been employed with this con	npany?				
What is your expe	erience (years) in weighing com	nmodities?				
whether or not the complete the atta	ame will be submitted to the Vin e applicant has been convicted ched Criminal History Record Frequest must be signed by the a	of a felony or other crime Request in order for a crim	involving moral tui inal background cl	rpitude. You m uneck to be	ust	
Applicant's Signa	ture:		Date:			

THE FORMS LISTED BELOW ARE REQUIRED TO BE COMPLETED, SIGNED AND RETURNED TO THIS OFFICE, ALONG WITH THE FEE OF \$25.00 PER APPLICANT:

- 1. Application Form (signed and dated by applicant)
- 2. Application for Appointment of Licensed Public Weighmaster (signature of owner or manager and completed scale information **required**)
- 3. Licensed Public Weighmaster Oath (signed by applicant and witness)
- 4. Employment Eligibility Verification Form (Section 1 completed by Employee Section 2 must be completed by Employer)
- 5. Criminal History Record Request Form (signed by applicant and notarized)
- 6. Attach copy of driver's license
- 7. \$25.00 fee, made payable to Treasurer of Virginia

NOTE: Please pay close attention to the requested information when completing forms. Your application will not be processed unless all paperwork is accurately completed, thus causing a delay in becoming a public weighmaster.

RETURN TO:

Virginia Department of Agriculture PO Box 526 Richmond, VA 23218-0526

Finance Use Only: \$10.00 Application Fee (865-02193) \$15.00 Criminal History Fee (865-1268)

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APPLICATION FOR APPOINTMENT OF A LICENSED PUBLIC WEIGHMASTER

Application is hereby made by the undersigned for the approval of a Virginia Licensed Public Weighmaster to operate a scale by me, the company, as a public scale at the location designated below.

I agree to pay to the Office of Product and Industry Standards, Division of Consumer Protection, Virginia Department of Agriculture and Consumer Services, for services performed in supervising such weighmaster as may be approved and licensed, a fee of \$10.00 per annum for each weighmaster licensed.

Firm or Trade Name:_							
Business Address: _ (Physical)							
_	(City)	(State)	(Zip)				
Business Phone:	: Business Fax:						
Ву:							
	Signature of OWNER	R or MANAGER					
SCALE INFORMATIC	DN:						
		rill be used in connection with the Pub cale, copy this form and complete for	•				
Model No:		Type of Scale (Check appropriate box)					
Serial No:		Platform Scale					
Capacity:		Warehouse Scale					
Date Last Tested:		Vehicle Scale					

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PUBLIC WEIGHMASTER OATH

I,(Applicant's printed name)	, being licensed as a Public Weighmaster by
the Office of Product and Ind	ustry Standards, Division of Consumer Protection of the Virginia
Department of Agriculture and	d Consumer Services, at the approved scale(s) belonging to
(Company's printed i	do solemnly swear or affirm that I will faithfully
perform all the duties devolving	ng upon me by reason of such position and that I will correctly and
honestly weigh and make a to	rue record of all such weights as indicated by the scale(s). I am aware
that the Virginia Public Weigh	master License issued to me shall expire on the 31st day of December
of the calendar year for which	the license is issued; I do acknowledge that this license is issued to the
location of the employer and	is non-transferable. I am further aware that this license allows me to act
as a Licensed Public Weighm	naster for the employer stated on the application. Should my
employment be terminated, I	will immediately notify the Office of Product and Industry Standards.
I have carefully read the <i>Virg</i> accordance with its provision	inia Public Weighmaster Law and agree to perform my duties in s.
Signed: Pr	ublic Weighmaster
Witness:Si	gnature
Pı	rint Name
Date:	

Employment Eligibility Verification

Please read instructions carefully before completing this form. The instructions must be available during completion of this form. ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work eligible individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because of a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and	l Verification. To b	oe completed and signed by	/ employee a	t the time employment begins.
Print Name: Last	First	Middle	Initial	Maiden Name
Address (Street Name and Number)		Apt.#		Date of Birth (month/day/year)
City	State	Zip Co	de	Social Security #
I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form. Employee's Signature		I attest, under penalty of perjury, that I am (check one of the following) A citizen or national of the United States A Lawful Permanent Resident (Alien #) A An alien authorized to work until (Alien # or Admission #)		
Preparer and/or Translator other than the employee.) I attest, un of my knowledge the information is to Preparer's/Translator's Signature	der penalty of perjury,	be completed and signed if that I have assisted in the o	Section 1 is p completion of	prepared by a person f this form and that to the best
Address (Street Name and Number,	City, State, Zip Code)			Date (month/day/year)
Section 2. Employer Review and Ver examine one document from List B and one framy, of the document(s). List A Document title: Issuing authority: Document #	OR			
Expiration Date (if any):				
Document #				
Expiration Date (if any):				
CERTIFICATION - I attest, under penalty employee, that the above-listed documer employee began employment on (month) is eligible to work in the United States. (Semployment.) Signature of Employer or Authorized Representa	nt(s) appear to be g day/year) State employment a	penuine and to relate to and that to the be agencies may omit the	the emplo st of my ki	nyee named, that the nowledge the employee
Business or Organization Name Add	ress (Street Name and	d Number, City, State, Zip (Code)	Date (month/day/year)
Section 3. Updating and Reverificati	nn . To be completed :	and signed by employer		
A. NewName (if applicable)	bii . To be completed t	апа адпеа ву етрюует.	B. Date o	frehire (month/day/year) (if applicable)
C. If employee's previous grant of work authorize eligibility. Document Title:	tion has expired, provi		rthe docume Date (if any):	
l attest, under penalty of perjury, that to the b presented document(s), the document(s) I ha				
Signature of Employer or Authorized Representa		gamma una to 1040t	2 W 410 III	Date (month/day/year)

LISTS OF ACCEPTABLE DOCUMENTS

LIST A

Documents that Establish Both Identity and Employment Eligibility

- U.S. Passport (unexpired or expired)
- Certificate of U.S. Citizenship (Form N-560 or N-561)
- 3. Certificate of Naturalization (Form N-550 or N-570)
- Unexpired foreign passport, with I-551 stamp or attached Form I-94 indicating unexpired employment authorization
- Permanent Resident Card or Alien Registration Receipt Card with photograph (Form I-151 or I-551)
- **6.** Unexpired Temporary Resident Card (Form I-688)
- Unexpired Employment Authorization Card (Form I-688A)
- 8. Unexpired Reentry Permit (Form I-327)
- Unexpired Refugee Travel Document (Form I-571)
- Unexpired Employment
 Authorization Document issued by DHS that contains a photograph (Form I-688B)

LIST B

Documents that Establish Identity

OR

Driver's license or ID card issued by a state or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address

- 2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address
- School ID card with a photograph
- 4. Voter's registration card
- 5. U.S. Military card or draft record
- 6. Military dependent's ID card
- 7. U.S. Coast Guard Merchant Mariner Card
- 8. Native American tribal document
- Driver's license issued by a Canadian government authority

For persons under age 18 who are unable to present a document listed above:

- 10. School record or report card
- 11. Clinic, doctor or hospital record
- Day-care or nursery school record

LIST C

Documents that Establish Employment Eligibility

- U.S. social security card issued by the Social Security Administration (other than a card stating it is not valid for employment)
- Certification of Birth Abroad issued by the Department of State (Form FS-545 or Form DS-1350)
- Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal
- 4. Native American tribal document
- U.S. Citizen ID Card (Form I-197)
- ID Card for use of Resident Citizen in the United States (Form I-179)
- Unexpired employment authorization document issued by DHS (other than those listed under List A)

Illustrations of many of these documents appear in Part 8 of the Handbook for Employers (M-274)

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CRIMINAL HISTORY RECORD REQUEST VIRGINIA STATE POLICE, RECORDS MANAGEMENT DIVISION RICHMOND, VA 23261-5076

COMPLETE PARAGRAPH 1 ONLY of this form for use by the Virginia Department of Agriculture and Consumer Services as part of the application for the Public Weighmaster License:

PERSON NAMED IN RECORD

LAST NAME (Print)	FIRST	MIDDLE	MAIDEN	SEX	RACE	mm/dd/yyyy
PLACE OF BIRTH – Count	y or City	PLACE OF BIRT	OF BIRTH – State or Country SOCIAL SECURITY NUM			
AFFIDAVIT FOR RELEATION I hereby give consent an Exchange for any criminal Agriculture and Consume	d authorize th al history reco	e Virginia State F				
NOTARY PUBLIC			Signature of Pe	rson Nar	ned in Re	cord
State of Sworn to and subscribed My Commission expires:	before me th	County/City of dag	y of			, to wit: , 20
		_	Signature of No	tary Pub	lic	
2. VIRGINIA DEPA RICHMOND, VA		AGRICULTURE	AND CONSUMER	SERVIC	ES, PO B	OX 1163,
As provided for in §19.2- named in Section 1 abov and will not further disse	e and swear o	or affirm that I ha	ve the consent of the	e person	to obtain	
			Signature of Au	thorized	VDACS A	gent
NOTARY PUBLIC						
State of Sworn to and subscribed My Commission expires:	before me th	County/City of day	y of			, to wit: , 20
		_	Signature of No	tary Pub	lic	